

**IN THE FEDERAL DISTRICT COURT OF THE THIRD CIRCUIT
WILMINGTON DELAWARE**

**John A. Franklin [Pro-Se]
30329 Vines Creek Road
Dagsboro Delaware 19939**

Plaintiff

**Civil Docket Number 1:06-cv-00466-GMS
Verified Complaint Demand A Jury Trial [seventh amendment]**

**Pocono Ranch Lands Property Owners Association [a foreign corporation]
80 Pocono Ranch Lands
Bushkill, PA 18324-9801**

and

**the following in there official capacity and individual capacity
President Vice President Sal Albanese Treasurer Michael Muller
Recording Secretary Barbara Cali
Associated Board Members**

**Roy Borgfeld John Cerruti Ed Condra John Frawley
Theilma Hurd Chris Isolda Lois Martin Rich Massaro Donald Murphy
Kathleen Simoncic**

Office Staff

David Cavanaugh Community Manager Barbara Station—Asst. Community Manager

Milli Kleiber - Administrative Assistant

Deanna Romano—Administrative Assistant

Jenny Shull - Bookkeeper

Joe Galayda - Construction Administrator

Maintenance Staff

David Albaugh - Maintenance Supervisor

Timothy McCabe - Maintenance

Jim Whittaker - Maintenance

Brian Schimmel - Maintenance

Sam Gurian—Maintenance

Patsy Varga - Housekeeping

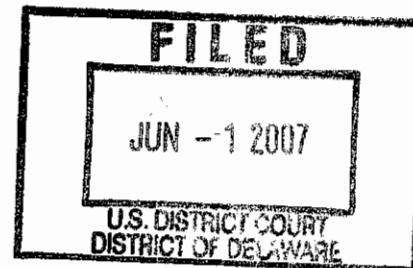
Public Safety Staff

Joe Davis - Manager

Steven Roach

Tim Santiago

Richard Veech



Stable Staff
Doreen Santiago - Manager
John Fuehrer
Jennifer Nesci
Shannon Whipple
Charlene White

and

Mr. McBride [lawyer] [a foreign corporation]
213 Silver Lake Road
Dingmans Ferry
State, Zip Code PA 18328

FRCP 19. Joinder of Persons Needed for Just Adjudication

(a) Persons to be Joined if Feasible.

Attorneys for defendant.

Young & Haros, LLC [a foreign corporation]
802 Main Street,
Stroudsburg, Pennsylvania 18360-1602
Telephone: 570-424-9800, Fax: 570-424-9288

Defendants

MOTION TO ADD

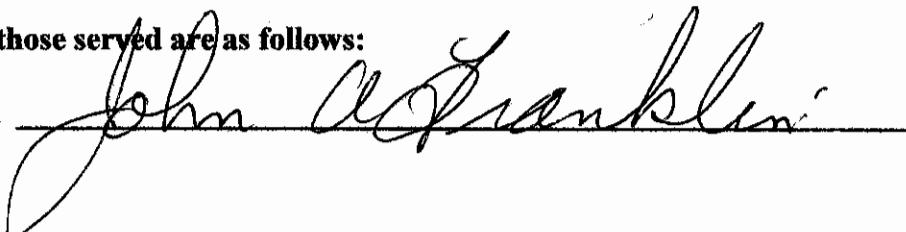
**ADD Young & Haros, LLC [a foreign corporation] AS DEFENDANTS IN LAWSUIT AS THEY ARE
Pocono Ranch Lands Property Owners Association [a foreign corporation] ATTORNEYS.**

PROOF OF SERVICE

I, John A. Franklin, do swear or declare that on this date, Wednesday, May 30, 2007 as required by, THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE I have served the enclosed Plaintiff(s), Motion FRCP FRCP 19. Joinder of Persons Needed for Just Adjudication on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, and or by FAX, and or Electronic Mail, and Through The Clerks Office of The U.S. District Court Of Delaware (in forma pauperis).

The names and addresses of those served are as follows:

Signed Mr. John A. Franklin



**Pocono Ranch Lands Property Owners Association
80 Pocono Ranch Lands
Bushkill, PA 18324-9801**

**Young & Haros, LLC
802 Main Street,
Stroudsburg, Pennsylvania 18360-1602
Telephone: 570-424-9800, Fax: 570-424-9288**

A handwritten signature in black ink, appearing to read "Jack S.", is positioned to the right of the two address blocks.

Amended Complaint Wednesday, May 30, 2007 as per The Honorable Judge Sleet

[I] Defendant added Young & Haros, LLC [a foreign corporation]

FRCP 19. Joinder of Persons Needed for Just Adjudication

Page 1

IN THE FEDERAL DISTRICT COURT OF THE THIRD CIRCUIT

WILMINGTON DELAWARE

**John A. Franklin [Pro-Se]
30329 Vines Creek Road
Dagsboro Delaware 19939**

Plaintiff

**Civil Docket Number 1:06-cv-00466-GMS
Verified Complaint Demand A Jury Trial [seventh amendment]**

**Pocono Ranch Lands Property Owners Association [a foreign corporation]
80 Pocono Ranch Lands
Bushkill, PA 18324-9801**

and

the following in there official capacity and individual capacity

President Vice President Sal Albanese Treasurer Michael Muller

Recording Secretary Barbara Cali

Associated Board Members

Roy Borgfeld John Cerruti Ed Condra John Frawley

Thelma Hurd Chris Isolda Lois Martin Rich Massaro Donald Murphy

Kathleen Simoncic

Office Staff

David Cavanaugh Community Manager Barbara Station—Asst. Community Manager

Milli Kleiber - Administrative Assistant

Deanna Romano—Administrative Assistant

Jenny Shull - Bookkeeper

Joe Galayda - Construction Administrator

Maintenance Staff

David Allbaugh - Maintenance Supervisor

Timothy McCabe - Maintenance

Jim Whittaker - Maintenance

Brian Schimmel - Maintenance

Sam Gurian—Maintenance

Patsy Varga - Housekeeping

Public Safety Staff

Joe Davis - Manager

Steven Roach

Tim Santiago

Richard Veech

Stable Staff

Doreen Santiago - Manager

John Fuehrer

Jennifer Nesci

Shannon Whipple

Charlene White

and

Mr. McBride [lawyer] [a foreign corporation]

213 Silver Lake Road

Dingmans Ferry

State, Zip Code PA 18328

FRCP 19. Joinder of Persons Needed for Just Adjudication

(a) Persons to be Joined if Feasible.

Attorneys for defendant.

Young & Haros, LLC [a foreign corporation]

802 Main Street,

Stroudsburg, Pennsylvania 18360-1602

Telephone: 570-424-9800, Fax: 570-424-9288

Defendants

JURISDICTION

TITLE 28 PART IV CHAPTER 85 SECTION 1332

federal question 1332 diversity of citizenship

Malicious Prosecution jurisdictions of courts

Malicious Prosecution/Abuse of Process

1. These torts involve misuse of the legal system, so even though such claims are rare, attorneys are targeted in some of these suits. *Era Realty Co. v. RBS Properties, 576 N.Y.S.2d 831 (2nd Dep't 1992)* (attorney may be liable for both abuse of process and conversion for executing on default judgment entered by a court lacking subject matter jurisdiction).

STATUTE OF LIMITATIONS

No Covenants, signed by plaintiff, and/or Parol [oral]

Point of Fact

Jurisdiction:

In setting the jurisdictions of courts, Congress and the U.S. Constitution -- and their state counterparts -- mandate the types of cases each court may hear.

Federal courts have jurisdiction over lawsuits between citizens of different states.

Mr. Franklin has never lived in The State of Pennsylvania.

COMPLAINT

See Exhibits Attached

Malicious Prosecution jurisdictions of courts

abuse of process and conversion for executing on default judgment entered by a court lacking subject matter jurisdiction).

Malicious Prosecution/Abuse of Process

1. These torts involve misuse of the legal system, so even though such claims are rare, attorneys are targeted in some of these suits. Era Realty Co. v. RBS Properties, 576 N.Y.S.2d 831 (2nd Dep't 1992) (attorney may be liable for both abuse of process and conversion for executing on default judgment entered by a court lacking subject matter jurisdiction), against Mr. John A. Franklin

STATUTE OF LIMITATIONS

No Covenants, signed by plaintiff, and/or Parol [oral]

property was non-perk test

Malicious Prosecution jurisdictions of courts

causing undue psychological and physical injury, due to power of courts

Point of Fact

Jurisdiction:

In setting the jurisdictions of courts, Congress and the U.S. Constitution -- and their state counterparts -- mandate the types of cases each court may hear.

Federal courts have jurisdiction over lawsuits between citizens of different states.

Mr. Franklin has never lived in The State of Pennsylvania.

Futhermore to sue in Federal Court one of two criterias' have to be met.

[I] TITLE 28 PART IV CHAPTER 85

CHAPTER 85—DISTRICT COURTS; JURISDICTION

Section 1331 Federal question

Section 1332 Diversity of citizenship; amount in controversy; costs The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between—

(1) citizens of different States;

Each state has local trial courts, which include courts for misdemeanors (non-penitentiary crimes), smaller demand civil actions (called municipal, city, justice or some other designation), and then courts, usually set up in each county (variously called Superior, District, County, Common Pleas courts).

Defendants filed a lawsuit aganist Mr. Franklin in the Pennsylvania State Local Court

Defendants have no personal jurisdiction over Mr. Franklin because Mr. Franklin is neither a citizen of nor

does business in Pennsylvania.

[I] In the court of THE 60TH JUDICAL DISTRICT OF THE COMMONWEALTH OF PENNSYLVANIA Magisterial District 60-3-04 Delaware Township, Lehman Township, Porter Township, In Pike County [executing on default judgment entered by a court lacking subject matter jurisdiction] aganist plaintiff.

[II] Then Defendants filed a second lawsuit IN THE COURT OF COMMON PLEAS Pike County (60) COMMONWEALTH OF PENNSYLVANIA case voided due lack of jurisdiction of Pennsylvania Law COURTS OF COMMON PLEAS [executing on default judgment entered by a court lacking subject matter jurisdiction], aganist plaintiff.

The Lawsuits aganist Mr. Franklin were non factual.

Filing a lawsuit with the intention of creating problems for the defendant such as costs, attorneys' fees, anguish, or distraction when there is no substantial basis for the suit. If the defendant in the lawsuit wins and has evidence that the suit was filed out of spite and without any legal or factual foundation, he/she may, in turn, sue for damages against the person who filed the original action. If malice is clearly proved against the party who brought the original suit, punitive damages may be awarded along with special and general damages. In recent cases, courts have ruled that an attorney who knowingly assists a client in filing a worthless lawsuit out of malice is liable for damages along with the client.

Defendants have caused [liable] for psychological and physical distress. By pursuing a void, frivolous, and moot claim.

[I] Mister Franklin is disabled and lives on \$550.00 per month.

[II] Mister Franklin purchased said property {LOT} at land auction for \$25.00 dollars along with his wife { MADEN NAME JOSEPHINE M FRANCO, JOSEPHINE M FRANKLIN} both names are on deed and both are named in suit Mrs. MADEN NAME JOSEPHINE M FRANCO, JOSEPHINE M FRANKLIN has yet to be contacted by Mr.McBride and/or Defendants making suit void, and moot.

[S/S # 095-32-2856

BIRTH DAY 12-12-40

CURRENTLY LIVING IN THE STATE OF PA.

Joint Owners - Any person holding property jointly or in common can be held liable for the tax as to the whole property, or as to his or her proportionate interest.

How is the property being used - SAID PROPERTY IS NOT BEING USED IT IS A VACANT [LOT].

State legislatures can, subject to certain limitations, exempt any persons or property from taxation or provide comparable tax benefits such as abatements, credits, or reduced assessment ratios. In general the tax benefit must serve a public purpose and the classification on which it is based cannot be arbitrary. In most cases the availability of the benefit will be conditioned on the property being used for a specific purpose

[III] Under Pennsylvania Law Mister Franklin relinquished all rights to said {LOT} give up or abandon, by default failure to perform a task or fulfill an obligation, especially failure to meet a financial obligation.

[IV] Futhermore Mister Franklin never belong to defendants Pocono Ranch Lands Property Owners Association [Signed Contract]

**[V] Pennsylvania Tax Bill
Pennsylvania Real Estate Upset Tax Sales Bill**

Real Estate tax sales in Southeastern Pennsylvania counties (other than Philadelphia) are held in September of each year. Unpaid real estate taxes become delinquent on January 1st of the year following the year when the taxes are due (for example, 1999 taxes became delinquent on January 1, 2000). The taxing authorities return a claim for unpaid taxes to the County Tax Claim Bureau by April 1st. The Tax Claim Bureau acts as the agent for the taxing authorities in a county. Delinquent taxes can be paid only to the Tax Claim Bureau, not to the local tax collectors. Interest is charged at the rate of 9 percent per year.

A notice of the tax claim is sent to the owner by certified mail by July 31st of the year after the taxes are due. The tax claim becomes absolute on the following January 1st, but may be discharged until July 1st of the following year. The redemption period runs until the property is sold at the public sale in September.

The Tax Sale

Upset tax sales are scheduled in September at the county courthouse for unpaid township or borough, county and school district real estate taxes. The sales in 2000 will usually be for unpaid 1998 taxes. Notice of the sale is given by publication in a legal publication and in two papers of general circulation at least 30 days prior to the sale. The Tax Claim Bureau gives written notice to each owner by certified mail. The property must be posted at least ten days prior to the sale. Mortgagees and other lienholders do not receive personal notice of either the tax claim or the tax sale. A tax sale will not divest prior unpaid liens of record, such as mortgages and judgments. The sale will, however, divest liens of all taxes and municipal claims which are included in the upset price. There is no right of redemption after the property is sold at tax sale.

Removal From Sale

The owner or any lien creditor may, prior to the sale, pay the delinquent taxes in full to discharge the tax claim. Alternately, the owner or any lien creditor may enter into an agreement with the Tax Claim Bureau to pay the taxes, charges and interest in installments. The terms of an installment agreement require an initial payment of twenty-five percent of the amount due on tax claims filed and an agreement to pay the balance in three subsequent installments, all within one year.

Upset Tax Sale

The upset price is the minimum price for which the property may be sold. It includes the claim for delinquent real estate taxes, corporation tax claims of the Commonwealth of Pennsylvania, municipal claims and costs of notice and sale. Real estate taxes for the current year will usually be added. Property may be sold at or above the upset price at a public auction sale conducted by the Tax Claim Bureau.

The purchaser must pay the entire purchase price on the day of the sale. There are no restrictions concerning who may bid at the public sale. The purchaser is required to pay real estate transfer taxes on the Tax Claim deed based on the fair market value of the property.

Within thirty days after the sale, the Tax Claim Bureau sends written notice of the sale to the owner. Within sixty days of the sale, the Bureau files a petition for confirmation of the sales by the court. The owner may file objections to the confirmation of sale within thirty days following confirmation. The objections may question the regularity or legality of the sale, including notice of the sale, but may not raise the legality of the taxes. After the court has confirmed the sale, the Tax Claim Bureau executes and records a deed for the property to the successful bidder. While Tax Claim deeds are valid, some title insurance companies will not insure them, so it may be necessary for the purchaser to file an action to quiet title against the former owner to get insurable title.

Federal Tax Liens

If there are federal tax liens against the property, there are important considerations which must be addressed prior to the tax sale concerning the rights of the Internal Revenue Service.

Dates of Sales

The dates for this year's upset tax sales in the Southeastern Pennsylvania counties are as follows:

Berks County (Reading), Sept. 26 - 9:30 a.m.
Bucks County (Doylestown), Sept. 19 - 10:00 a.m.
Chester County (West Chester), Sept. 28 - 10:00 a.m.
Delaware County (Media), Sept. 11 - 10:00 a.m.
Lancaster County (Lancaster), Sept. 18 - 10:00 a.m.
Lehigh County (Allentown), Sept. 13 - 10:00 a.m.
Montgomery County (Norristown), Sept. 18 - 8:30 a.m.
Northampton County (Easton), Oct. 30 - 2:00 p.m.

PRAYER FOR RELIEF

[I] Punitive Damages of \$10 Million Dollars

The above is true under penalty of perjury.

John A. Franklin [Pro-Se]
30329 Vines Creek Road
Dagsboro Delaware 19939
(302) 732 1400

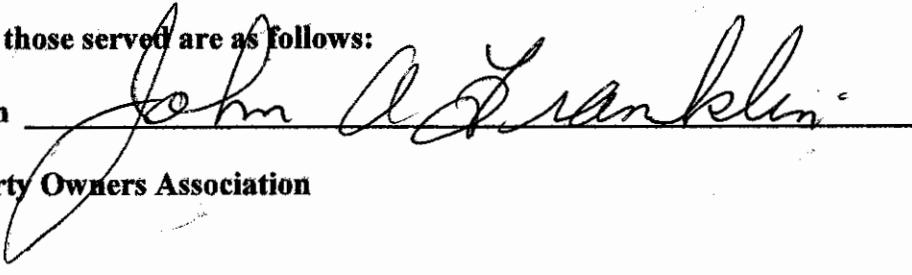
PROOF OF SERVICE

I, John A. Franklin, do swear or declare that on this date, Wednesday, May 30, 2007 as required by, THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE I have served the enclosed Plaintiff(s), amended complaint, on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed

to each of them and with first-class postage prepaid, and or by FAX, and or Electronic Mail, and Through The Clerks Office of The U.S. District Court Of Delaware (in forma pauperis).

The names and addresses of those served are as follows:

Signed Mr. John A. Franklin


Pocono Ranch Lands Property Owners Association
80 Pocono Ranch Lands
Bushkill, PA 18324-9801

Young & Haros, LLC
802 Main Street,
Stroudsburg, Pennsylvania 18360-1602
Telephone: 570-424-9800, Fax: 570-424-9288

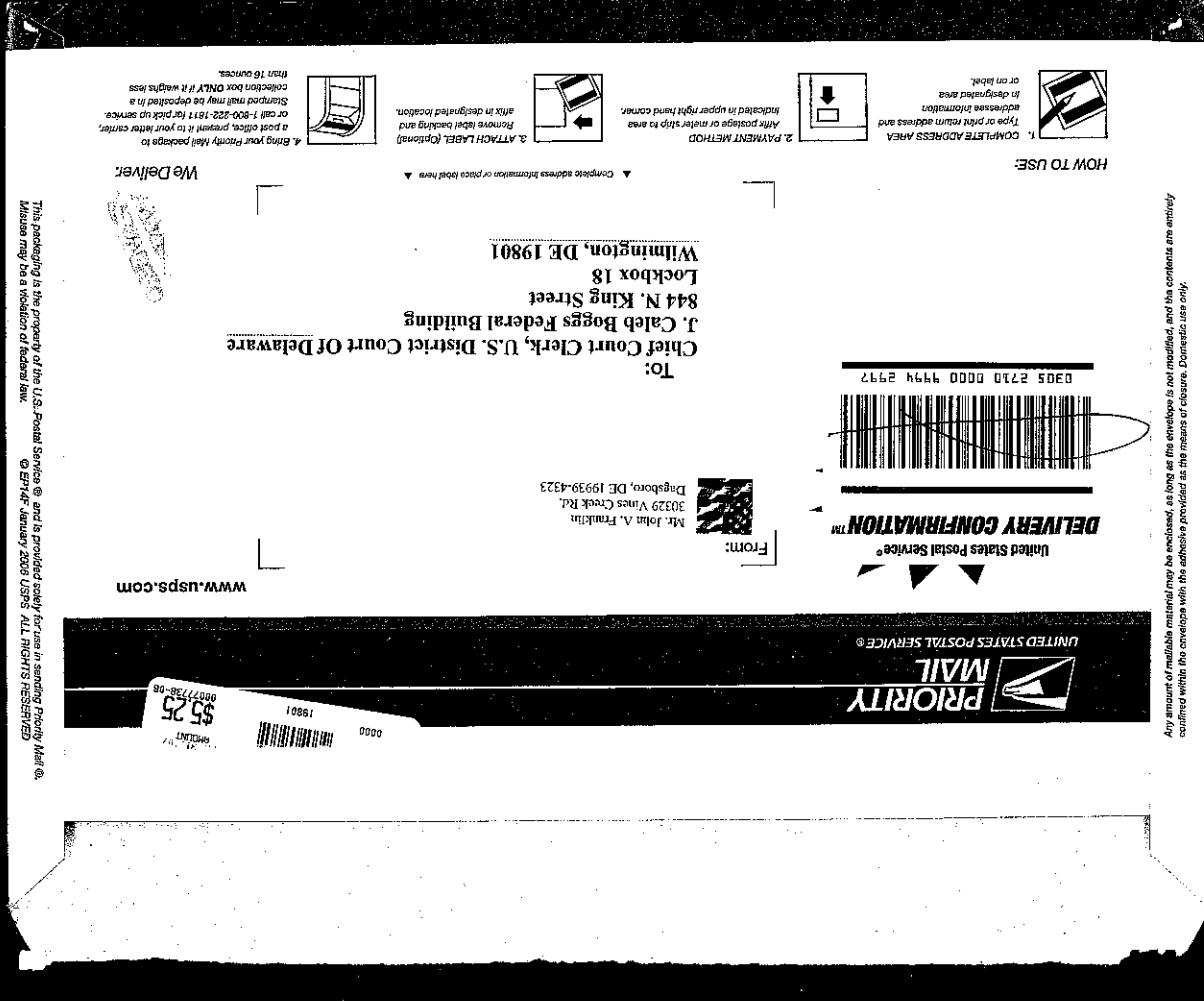


Exhibit A**Diversity jurisdiction**

Diversity jurisdiction is a term used in civil procedure to refer to the situation in which a United States district court has subject matter jurisdiction to hear a civil case because the parties are "diverse," meaning that they come from different states.

Article III, § 2 of the United States Constitution gives the U.S. Congress the power to permit federal courts to hear such cases.

The provision was included because the writers of the Constitution were concerned that, where a case was brought in one state involving parties from both that state and another, the state court might be biased towards the party from its own state. Congress first exercised that power and granted federal trial district courts diversity jurisdiction in the Judiciary Act of 1789. Diversity jurisdiction is presently codified at 28 U.S.C. § 1332.



[United States Federal civil procedure doctrines](#)

[Justiciability](#)

[Advisory opinions](#)

[Standing](#) · [Ripeness](#) · [Mootness](#)

[Political questions](#)

[Jurisdiction](#)

* [Subject-matter jurisdiction](#):

[Federal question jurisdiction](#)

[Diversity jurisdiction](#)

[Supplemental jurisdiction](#)

[Removal jurisdiction](#)

[Amount in controversy](#)

[Class Action Fairness Act of 2005](#)

* [Personal jurisdiction](#):

[Jurisdiction in rem](#)

[Minimum contacts](#)

[Federalism](#)

[Erie doctrine](#) · [Abstention](#)

[Sovereign immunity](#) · [Abrogation](#)

[Rooker-Feldman doctrine](#)

[Adequate and independent state ground](#)

[edit this template](#)

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **PIKE**

Exhibit B

Mag. Dist. No.	60-3-04	
MOJ Name: Hon.		
Address:	STEPHEN A. MCBRIDE 213 SILVER LAKE ROAD DINGMANS FERRY, PA	
Telephone	(570) 828-2880	18328

JOHN A. FRANKLIN
30329 VINES CREEK RD
DAGSBORO, DE 19939

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF:

POCONO RANCH LANDS P.O.A.
80 RANCH LANDS
BUSHKILL, PA 18324

VS.

DEFENDANT:

FRANKLIN, JOHN A., ET AL.
30329 VINES CREEK RD
DAGSBORO, DE 19939

Docket No.: **CV-0000127-06**
Date Filed: **5/12/06**



THIS IS TO NOTIFY YOU THAT:

Judgment: **DEFAULT JUDGMENT PLTF** (Date of Judgment) **8/03/06**

Judgment was entered for: (Name) **POCONO RANCH LANDS P.O.A.**

Judgment was entered against: (Name) **FRANKLIN, JOHN A.**
in the amount of \$ **4,241.81**

Defendants are jointly and severally liable.

Damages will be assessed on Date & Time _____

This case dismissed without prejudice.

Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127
\$ _____

Portion of Judgment for physical damages arising out of
residential lease \$ _____

Amount of Judgment	\$ 4,092.31
Judgment Costs	\$ 149.50
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 4,241.81
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
Certified Judgment Total \$ _____	

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR MAGISTERIAL DISTRICT JUDGES, IF THE JUDGEMENT HOLDER ELECTS TO ENTER THE JUDGMENT IN THE COURT OF COMMON PLEAS, ALL FURTHER PROCESS MUST COME FROM THE COURT OF COMMON PLEAS AND NO FURTHER PROCESS MAY BE ISSUED BY THE MAGISTERIAL DISTRICT JUDGE.

UNLESS THE JUDGMENT IS ENTERED IN THE COURT OF COMMON PLEAS, ANYONE INTERESTED IN THE JUDGMENT MAY FILE A REQUEST FOR ENTRY OF SATISFACTION WITH THE MAGISTERIAL DISTRICT JUDGE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

8-3-06 Date

, Magisterial District Judge

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

Date _____ Magisterial District Judge

My commission expires first Monday of January, **2008**

SEAL

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: PIKEFiled 06/01/2007 Page 3 of 19
NOTICE OF JUDGMENT/TRANSCRIPT CIVIL CASE

PLAINTIFF:

NAME and ADDRESS

POCONO RANCH LANDS P.O.A.
80 RANCH LANDS
BUSHKILL, PA 18324

VS.

DEFENDANT:

NAME and ADDRESS

FRANKLIN, JOHN A., ET AL.
30329 VINES CREEK RD
DAGSBORO, DE 19939

Telephone (570) 828-2880 18328

JOHN A. FRANKLIN
30329 VINES CREEK RD
DAGSBORO, DE 19939Docket No.: **CV-0000127-06**
Date Filed: **5/12/06**

THIS IS TO NOTIFY YOU THAT:

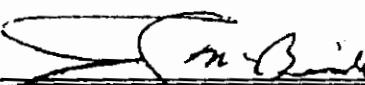
Judgment: **DEFAULT JUDGMENT PLTF** (Date of Judgment) **12/14/06** Judgment was entered for: (Name) **POCONO RANCH LANDS P.O.A.** Judgment was entered against: (Name) **FRANKLIN, JOSEPHINE**
in the amount of \$ **4,303.69** Defendants are jointly and severally liable. Damages will be assessed on Date & Time _____ This case dismissed without prejudice. Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127
\$ _____ Portion of Judgment for physical damages arising out of
residential lease \$ _____

Amount of Judgment	\$ 4,092.31
Judgment Costs	\$ 211.38
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 4,303.69
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
Certified Judgment Total \$ _____	

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR MAGISTERIAL DISTRICT JUDGES, IF THE JUDGEMENT HOLDER ELECTS TO ENTER THE JUDGMENT IN THE COURT OF COMMON PLEAS, ALL FURTHER PROCESS MUST COME FROM THE COURT OF COMMON PLEAS AND NO FURTHER PROCESS MAY BE ISSUED BY THE MAGISTERIAL DISTRICT JUDGE.

UNLESS THE JUDGMENT IS ENTERED IN THE COURT OF COMMON PLEAS, ANYONE INTERESTED IN THE JUDGMENT MAY FILE A REQUEST FOR ENTRY OF SATISFACTION WITH THE MAGISTERIAL DISTRICT JUDGE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

Date 12/14/06  Magisterial District Judge

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

Date 12/14/06 Magisterial District Judge

My commission expires first Monday of January. **2008**

SEAL

Exhibit D

COURT OF COMMON PLEAS OF THE SIXTIETH JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA - PIKE COUNTY
CIVIL ACTION

POCONO RANCHLANDS PROPERTY
OWNERS ASSOCIATION, INC.,

Plaintiff

NO. 1758 CIVIL 2006

v.

JOHN A. FRANKLIN AND
JOSEPHINE ARONICA, F/K/A
JOSEPHINE FRANKLIN

Defendants

PLAINTIFF'S REPLY TO NEW MATTER

Plaintiff, Pocono Ranchlands Property Owners Association, Inc., by and through its counsel, Young & Haros, LLC, hereby relies to Defendant Josephine Aronica's New Matter as follows:

Paragraphs 1-47 of Plaintiff's complaint are hereinafter incorporated by reference as if set forth at length.

1-5. Denied. Paragraphs 1-5 are specifically denied as conclusions of law to which no response is required.

WHEREFORE, Plaintiff respectfully requests judgment in its favor and against Defendants, John A. Franklin and Josephine Aronica.

YOUNG & HAROS, LLC

BY:

GREGORY D. MALASKA, ESQ.
Attorney I.D. No. 85524
802 Main St.
Stroudsburg, PA 18360-1602
(570) 424-9800

Attorneys for Plaintiff

COURT OF COMMON PLEAS OF THE SIXTIETH JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA - PIKE COUNTY
CIVIL ACTION

POCONO RANCHLANDS PROPERTY
OWNERS ASSOCIATION, INC.,

Plaintiff : NO. 1758 CIVIL 2006

v.

JOHN A. FRANKLIN AND
JOSEPHINE ARONICA, F/K/A
JOSEPHINE FRANKLIN,

Defendants :

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of February, 2007, a true and correct copy of the Plaintiff's Reply to New Matter was served by first class mail, postage prepaid, as follows:

Josephine Aronica
f/k/a Josephine Franklin
c/o Vincent S. Cimini
Foley, Cognetti, Comerford, Cimini & Cummins
700 Scranton Electric Building
507 Linden Street
Scranton, PA 18503-1666

John A. Franklin
30329 Vines Creek Road
Dagsboro, DE 19939

Date: 2/20/07

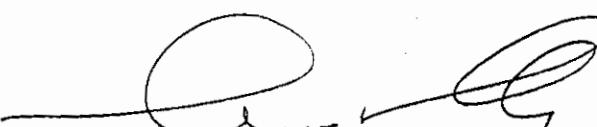

Gregory D. Malaska, Esquire

Exhibit E

IN THE COURT OF COMMON PLEAS OF
PIKE COUNTY, PENNSYLVANIA
CIVIL

POCONO RANCHLANDS PROPERTY
OWNERS ASSOCIATION, INC.,
Plaintiff,

vs.

JOHN A. FRANKLIN,
JOSEPHINE ARONICA,
Defendants

No. 1758-2006-Civil

2007 MAR - 6 AM 8:00
INTERESTED REBORN
CLERK OF COURTS
PIKE COUNTY, PA

ORDER

AND NOW, this 574 day of February, 2007, upon consideration of Defendant, John A. Franklin's, Motion to Dismiss summary Judgement [sic] Under Substantive Due Rights and/or Law, Defendant's Motion is hereby DENIED. The Court notes that the Defendant previously filed two Motions to Dismiss which were also DENIED by the Court. The instant motion is identical to the previous motion. The Court will not entertain any further Motions by this Defendant that are in violation of the Pennsylvania Rules of Civil Procedure regarding motion and pleading practice.

BY THE COURT:


Hon. Joseph F. Kameen, P.J.

cc: John A. Franklin
Josephine Aronica
Gregory D. Malaska, Esq.
Vincent S. Crimini, Esq.
Court Administrator

sm

Exhibit F

IN THE COURT OF COMMON PLEAS OF
PIKE COUNTY, PENNSYLVANIA
CIVIL

POCONO RANCHLANDS PROPERTY
OWNERS ASSOCIATION, INC.,
Plaintiff,

vs.

JOHN A. FRANKLIN,
JOSEPHINE ARONICA,
Defendants

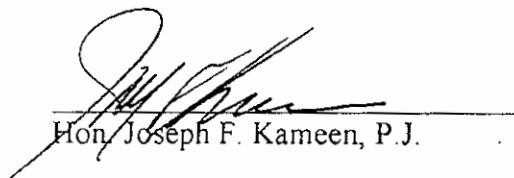
No. 1758-2006-C

RECORDED
CLERK OF COURTS
PIKE COUNTY, PA
2007 FEB 26 PM 2:37

ORDER

AND NOW, this 26th day of February, 2007, upon consideration of Defendant, John A. Franklin's, Motion to Dismiss summary Judgement [sic] Under Substantive Due Rights and/or Law, Defendant's Motion is hereby DENIED. The Court notes that the Defendant previously filed a Motion to Dismiss which was also DENIED by the Court. The instant motion like the previous motion is void of facts or legal arguments relevant to a Motion to Dismiss and consists of identical portions of the previous motion. The Court will not entertain any further incomprehensible Motions by this Defendant that are in violation of the Pennsylvania Rules of Civil Procedure regarding motion and pleading practice.

BY THE COURT:



Hon. Joseph F. Kameen, P.J.

cc: John A. Franklin
Josephine Aronica
Gregory D. Malaska, Esq.
Vincent S. Crimini, Esq.
Court Administrator

sm

09/20/2006 12:52 5702951931

Exhibit G

PAGE 01

September 21, 2006

Exit Notice to Defendant(s)
By Regular First Class Mail**CERTIFICATE**

(Act of June 25, 1937)

To the Prothonotary:

I hereby certify that the precise residence address of

POCONO RANCHLANDS PROPERTY
OWNERS ASSOCIATION, INC.

the within named Judgment Creditor is:

80 Ranchlands

Bushkill, PA 18324

and the last known address of Defendant(s) is:

30329 Vines Creek Road

Dagsboro, DE 19939

Enter Judgment on accompanying note in the sum of

\$ 4,241.81, with interest

from AUGUST 3, 2006

For Creditor

NO. 46234 2006 JUDGMENT

IN THE COURT OF COMMON PLEAS
OF PIKE COUNTY, PENNSYLVANIAPOCONO RANCHLANDS PROPERTY
OWNERS ASSOCIATION, INC.

Creditor

vs

JOHN A. FRANKLIN

OFFICE OF
 PROTHONOTARY
 CLERK OF COURTS
 PIKE COUNTY, PA
 ENTERED FOR RECORD
 2006 SEP 22 PM 12:44
 DEFENDANT

09/20/2006 12:52 5702961931

PROTHONOTARY

PAGE 02

POCONO RANCHLANDS PROPERTY : IN THE COURT OF COMMON PLEAS
OWNERS ASSOCIATION, INC., OF PIKE COUNTY

(CREDITOR)

: CIVIL ACTION - LAW

VS.

: No. J. _____ -Judgment

JOHN A. FRANKLIN

(DEBTOR)

TO: JOHN A. FRANKLIN**NOTICE OF ENTRY OF JUDGMENT**

PLEASE TAKE NOTICE THAT on the _____ Day of _____, 20____ judgment
in the above captioned matter has been entered against you in the amount of \$ _____.

We are required pursuant to new Rule #236 of Pennsylvania Rules of Civil Procedure to
notify you of the entry of said judgment and this shall constitute such notice.

DENISE FITZPATRICK



Prothonotary

Deputy

COURT OF COMMON PLEAS OF PIKE COUNTY
60TH JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA

POCONO RANCHLANDS PROPERTY
OWNERS ASSOCIATION, INC.,
Plaintiff

NO.

OFFICE OF
PROTHONOTARY
PIKE COUNTY, PA
CLERK OF COURTS
2006 SEP 22 PM 12:44
ENTERED FOR RECORD
CIVIL

Vs.

JOHN A. FRANKLIN,
Defendant

PRAEICE FOR ENTRY OF JUDGMENT

TO THE PROTHONOTARY:

1. Enter judgment on the attached:

Instrument confessing judgment or authorizing confession by
an attorney at law or other person against the person who
executed it.

Certified copy of judgment from a District Justice.

Other (please describe) _____

a. Date of Instrument 8/3/06

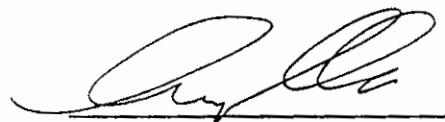
b. Amount \$ 4,241.81

c. Interest from 8/3/06

2. Enter the judgment in favor of the original holder, or (unless
expressly forbidden in the instrument) other in favor of the assignee or
other transferee;

3. I hereby certify that the residence of the plaintiff Pocono Ranchlands Property Owners
Association, Inc. is RR 1 PRL 80, Bushkill, PA 18324

4. I hereby certify that the residence of the defendant John A. Franklin is 30329 Vines
Creek Road, Dagsboro, DE 19939



Attorney for Plaintiff

Name Gregory D. Malaska, Esq.

Address Young & Haros, LLC, 802 Main St., Stroudsburg, PA 18360-1602

Telephone (570) 424-9800

Attorney ID No. 85524

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: PIKE

Mag. Dkt. No.	60-3-04	
MDJ Name: Hon.		
Attorney:	STEPHEN A. MCBRIDE 213 SILVER LAKE ROAD DINGMANS FERRY, PA	
Telephone (570) 828-2880	18328	

POCONO RANCH LANDS P.O.A.
80 RANCH LANDS
BUSHKILL, PA 18324

PLAINTIFF

POCONO RANCH LANDS P.O.A.
80 RANCH LANDS
BUSHKILL, PA 18324

NAME and ADDRESS

DEFENDANT

FRANKLIN, JOHN A., ET AL.
30329 VINES CREEK RD
DAGSBORO, DE 19939

VS.

NAME and ADDRESS

Docket No.: **CV-0000127-06**
Date Filed: **5/12/06**



THIS IS TO NOTIFY YOU THAT:

Judgment: **DEFAULT JUDGMENT PLTF** (Date of Judgment) **8/03/06**

<input checked="" type="checkbox"/> Judgment was entered for: (Name) POCONO RANCH LANDS P.O.A.
<input checked="" type="checkbox"/> Judgment was entered against: (Name) FRANKLIN, JOHN A. in the amount of \$ 4,241.81
<input type="checkbox"/> Defendants are jointly and severally liable.
<input type="checkbox"/> Damages will be assessed on Date & Time _____
<input type="checkbox"/> This case dismissed without prejudice.
<input type="checkbox"/> Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127 \$ _____
<input type="checkbox"/> Portion of Judgment for physical damages arising out of residential lease \$ _____
Amount of Judgment \$ 4,092.31 Judgment Costs \$ 149.50 Interest on Judgment \$.00 Attorney Fees \$.00
Total \$ 4,241.81
Post Judgment Credits \$ _____ Post Judgment Costs \$ _____ =====
Certified Judgment Total \$ _____

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR MAGISTERIAL DISTRICT JUDGES, IF THE JUDGEMENT HOLDER ELECTS TO ENTER THE JUDGMENT IN THE COURT OF COMMON PLEAS, ALL FURTHER PROCESS MUST COME FROM THE COURT OF COMMON PLEAS AND NO FURTHER PROCESS MAY BE ISSUED BY THE MAGISTERIAL DISTRICT JUDGE.

UNLESS THE JUDGMENT IS ENTERED IN THE COURT OF COMMON PLEAS, ANYONE INTERESTED IN THE JUDGMENT MAY FILE A REQUEST FOR ENTRY OF SATISFACTION WITH THE MAGISTERIAL DISTRICT JUDGE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

8-3-06 Date S. McBride . Magisterial District Judge

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

9-14-06 Date C. Franklin . Magisterial District Judge

My commission expires first Monday of January, **2008**

SEAL

**COURT OF COMMON PLEAS OF THE SIXTIETH JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA - PIKE COUNTY
CIVIL ACTION**

POCONO RANCHLANDS PROPERTY
OWNERS ASSOCIATION, INC.,

Plaintiff

v.

NO. 0000127 CIVIL 2006
District Court 60-3-04

JOHN FRANKLIN,

Defendant

OFFICE OF
PROTHONOTARY
CLERK OF COURTS
ENTERED FOR RECORD
PIKE COUNTY, PA
2006 SEP 22 PM12:44

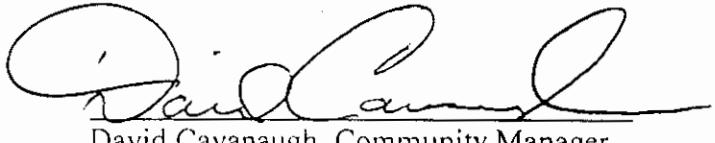
AFFIDAVIT OF NON-MILITARY SERVICE

COMMONWEALTH OF PENNSYLVANIA

ss

COUNTY OF PIKE

David Cavanaugh, the Community Manager for Pocono Ranchlands Property Owners Association, Inc., authorized to take this Affidavit on its behalf, being duly sworn according to law, deposes and says that the above named Defendant, John Franklin, to the best of his knowledge, information and belief, is not a member of the Armed Forces of the United States of America.



David Cavanaugh, Community Manager

Sworn to and subscribed
before me this 11 day
of September, 2006.

Barbara J. Station
Notary Public

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Barbara J. Station, Notary Public
Lehman Twp., Pike County
My Commission Expires July 31, 2010

Member, Pennsylvania Association of Notaries

Exhibit HIN THE COURT OF COMMON PLEAS OF
PIKE COUNTY, PENNSYLVANIA
CIVILPOCONO RANCHLANDS PROPERTY
OWNERS ASSOCIATION, INC.,
Plaintiff,

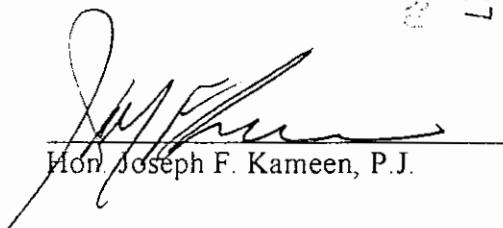
vs.

No. 1758-2006- Civil

JOHN A. FRANKLIN,
JOSEPHINE ARONICA,
Defendants**ORDER**

AND NOW, this 13 day of February, 2007, upon consideration of Defendant, John A. Franklin's, Motion to Dismiss, Defendant's Motion is hereby DENIED. The Defendant's motion is incomprehensible and fails to follow motion and pleading requirements set forth in the Pennsylvania Rules of Civil Procedure.

BY THE COURT:


Hon. Joseph F. Kameen, P.J.OFFICE OF
PROTHONOTARY
CLERK OF COURT
FEB 15 2007
Pike County Court

cc: John A. Franklin
Josephine Aronica
Gregory D. Malaska, Esq.
Vincent S. Crimini, Esq.
Court Administrator

sl

Exhibit I



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL

TOM CORBETT
ATTORNEY GENERAL

April 4, 2007

15th Floor, Strawberry Square
Harrisburg, PA 17120
(717) 783-1111

John A. Franklin
30325 Vines Creek Road
Dagsboro, DE 19939

Dear Mr. Franklin:

Your letter to the Attorney General has been referred to this office for reply.

Our office receives a large number of letters from people who have legal matters or other problems they are trying to resolve. The authority of the Office of Attorney General is defined by state laws, and the matter you raise in your letter does not come under our jurisdiction.

If you want to pursue legal action, we recommend that you consult your own attorney about the matter presented in your letter. If you do not have an attorney, we recommend that you consult the bar association referral service in your county or the Pennsylvania Bar Association in Harrisburg at 717-238-6715.

If you are represented by counsel, you may have your lawyer call or write me directly if he or she believes this office can be of assistance within our authority.

Sincerely yours,

A handwritten signature in black ink that appears to read "Amy M. Elliott".

Amy M. Elliott
Senior Deputy Attorney General
Office of Civil Law

Exhibit J

**COURT OF COMMON PLEAS OF THE SIXTIETH JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA - PIKE COUNTY
CIVIL ACTION**

POCONO RANCHLANDS PROPERTY
OWNERS ASSOCIATION, INC.,

Plaintiff : NO. 1758 CIVIL 2006

v.

JOHN A. FRANKLIN AND
JOSEPHINE ARONICA, F/K/A
JOSEPHINE FRANKLIN,

Defendants

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of January, 2007, a true and correct copy of the Plaintiff's Complaint was served by first class mail, postage prepaid, as follows:

Josephine Aronica
f/k/a Josephine Franklin
c/o Vincent S. Cimini
Foley, Cognetti, Comerford, Cimini & Cummins
700 Scranton Electric Building
507 Linden Street
Scranton, PA 18503-1666

John A. Franklin
30329 Vines Creek Road
Dagsboro, DE 19939

Date: 1/18/07

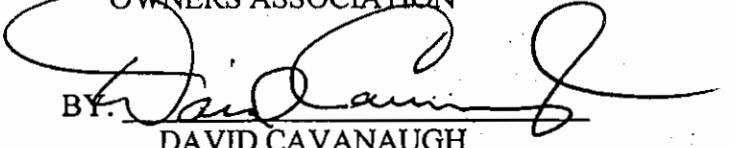

Gregory D. Malaska, Esquire

VERIFICATION

I verify that the statements made in this Complaint are true and correct based on my knowledge, information and belief. I understand that false statements herein are made subject to penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Date: 1/16/2007

POCONO RANCHLANDS PROPERTY
OWNERS ASSOCIATION

BY: 
DAVID CAVANAUGH
COMMUNITY MANAGER

original Act

800A 1281 FILE 144

UPSET PRICE SALE
PRIVATE BID SALE
FREE & CLEAR SALE
Sale No. 88-1

Tax Claim Bureau Deed

This Deed Made this 23rd day of September, 1988,
 between the TAX CLAIM BUREAU of the County of Pike Pennsylvania, as Trustee, GRANTOR, and
JOHN A. FRANKLIN AND JOSEPHINE M. FRANKLIN,
183 Lamport Blvd., Staten Island, NY 10305

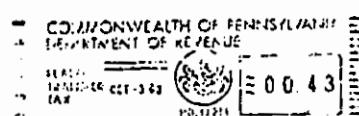
GRANTEE

Witnesseth, that in consideration of \$ 25.00 in hand paid, receipt whereof is
 hereby acknowledged, the said Grantor does hereby grant and convey unto the said Grantee the following lot of
 land with appurtenances:

All that certain lot or parcel of land situate in the Township of Lehman,
 County of Pike and State of Pennsylvania, Being Lot No. 680, Section No. 1,
 as shown on a Plan of lots entitled "Subdivision of lands of Benjamin Foster,"
 Pocono Ranchlands, prepared by Edward C. Hess, Associates, recorded in Pike
 County Plat Book Volume 7 page 155.

Being the same premises that The Tax Claim Bureau of Pike County by its deed
 dated June 22, 1988, and intended to be recorded simultaneously herewith
 granted and conveyed to the Pike County Tax Claim Bureau. The property herein
 being part of a land repository established by the County of Pike through the
 Pike County Tax Claim Bureau.

Together with unto the grantees herein, his, her, their or its successors/assigns,
 all rights, liberties and privileges, and Under and Subject to all Restrictions
 and Reservations set forth in deeds in the chain of title.



Real Estate Transfer Tax
B. Scrubbsburg Area Sch Distr. # 123
Lafayette Township 8-21

John A. Franklin

(Collector)

021 3 1 30 PH 88
E PLATE NO.
A PAPER
DEPT. OF REVENUE

In Witnesseth Whereof, said Grantor has hereunto caused this Deed to be executed by its
 Director the day and year first above written

Signed, Sealed and Delivered

TAX CLAIM BUREAU OF PIKE COUNTY, TRUSTEE

In the presence of:

By

John A. Franklin (SEAL)
DIRECTOR

16448

book 1281 page 145

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF PIKE

REC'D:

On this the 3rd day of OCTOBER 1988

before me, the Prothonotary of the County of Pike the undersigned officer personally appeared

JAMESX WILLIAMS Director of the Tax Claim Bureau of the County of Pike

Commonwealth of Pennsylvania of XXXXXXXXXXXXXXXXXXXXXXXXXX known to me to be the person described in the foregoing instrument and acknowledged that he executed the same in the capacity therein stated and for the purposes therein contained.

In Witnesseth Whereas I have signed set my hand and officed seal

I CERTIFY THAT THE PRECISE ADDRESS OF THE WITHIN GRANTOR IS:
183 Lamport Blvd.
Staten Island, NY 10305

OFFICE OF RECORDER
& CLERK

DEED 1 30 PM '88

Estate

TAX CLAIM BUREAU
of
Pike County, Trustee

TO _____

JAMES A. FRANKLIN AND

JOSEPHINE N. FRANKLIN

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF PIKE

Received on the _____

day of _____

in the Recorder's Office of said County in Court

Book _____

Page _____
Given under my hand and the seal of the said office
the date above written.

Recorder

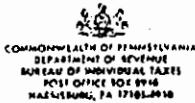
STATE OF PENNSYLVANIA
COUNTY OF PIKE SS. RECORDED IN THE OFFICE OF THE
RECORDER IN AND FOR SAID COUNTY
AND STATE IN DEED BOOK NO. 1281 AT PAGE 144&c.
GIVEN UNDER MY HAND AND THE SEAL OF THE SAID OFFICE
on the 3rd DAY OF OCTOBER A.D. 1988



DEPUTY

BDR/1281 Part 146

Form 101-11-P-200

REALTY TRANSFER TAX
STATEMENT OF VALUE

See Reverse for Instructions

RECORDERS USE ONLY	
SP-115-702	6.43
TAXABLE	1281
Page Total	144
Date Rec'd	10-3-88

Complete such section and file in duplicate with Recorder of Deeds when (1) the full value/consideration is not set forth in the deed, (2) when the deed is without consideration, or by gift, or (3) a tax exemption is claimed. A Statement of Value is not required if the transfer is wholly exempt from tax based on: (1) family relationship or (2) public utility statement. If more space is needed, attach additional sheet(s).

AS TO CORRESPONDENT: All inquiries may be directed to the following person: _____ Telephone Number _____

Name	Pike County, Tax Claim Bureau Street Address	City	Zip Code	Phone
	506 Broad St.	Milford	PA	18337
BASIC TRANSFER DATA				
Grantor(s)/Assignor(s)	Date of Acceptance of Document			
Pike County, Tax Claim Bureau Street Address	John A. Franklin & Josephine M. Franklin Street Address			
506 Broad St. City Milford PA 18337	City Staten Island NY 10305	Zip Code 10305	Phone	18337
PROPERTY LOCATION				
Street Address	City/Township/Borough			
Lot 680, Sec. 1A, Pocono Ranchlands County	Lebanon Township			
Pike	East Stroudsburg	Tax Book Number		
1 Actual Cash Consideration	2 Other Consideration	182-04-04-72		
\$25.00	+ 0	= \$25.00		
3 County Assessed Value	4 Common Land Value Factor	5 Taxable Market Value		
\$6.25	X 6.94	= \$43.37		
EXEMPTION DATA				
6a Amount of Exemption Claimed	6b Percentage of Interest Claimed	TAX PAID \$ 43		

1 Check Appropriate Box Below for Exemption Claimed

- Will or Intestate succession _____ (Name of Deedee) _____ (Page Number) _____ Date _____
- Transfer to Industrial Development Agency _____
- Transfer to agent or straw party [Attach copy of agency/straw party agreement] _____
- Transfer between principal and agent [Attach copy of agency/straw trust agreement] Tax paid prior deed \$ _____
- Transfers to the Commonwealth, the United States, and instrumentalities by gift, dedication, condemnation or in lieu of condemnation [Attach copy of resolution] _____
- Transfer from mortgagor to a holder of a mortgage in default Mortgage Book Number _____ Page Number _____
- Corrective deed [Attach copy of the prior deed] _____
- Statutory corporate consolidation, merger or division [Attach copy of articles] _____
- Other [Please explain exemption claimed if other than listed above] _____

Under penalties of perjury, I declare that I have examined this Statement, including accompanying information, and to the best of my knowledge and belief, it is true, correct and complete.

Signature of Correspondent or Responsible Party

Date

(SEE REVERSE)

RECEIVED
RECORDED
IN THE BUREAU OF REAL PROPERTY TAXES
MAY 11 1988
HARRISBURG, PENNSYLVANIA

RECEIVED
RECORDED
IN THE BUREAU OF REAL PROPERTY TAXES
MAY 11 1988
HARRISBURG, PENNSYLVANIA